



**DEPARTMENT OF THE NAVY**

COMMANDING OFFICER  
NAVAL AIR STATION  
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LEMOORE, CALIFORNIA 93246-5001

NASLEMINST 5560.9B  
39100  
17 May 95

NAS LEMOORE INSTRUCTION 5560.9B

Subj: DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

Ref: (a) DOD Directive 1010.7  
(b) Presidential Commission on Drunk Driving Final Report  
of Nov 1983  
(c) OPNAVINST 11200.5C  
(d) NASLEMINST 5510.6E  
(e) NASLEMINST 5585.1A  
(f) OPNAVINST 5585.2A

1. Purpose. To provide policy and procedures for detecting, apprehending, and prosecuting personnel on board Naval Air Station Lemoore for driving under the influence of alcohol or drugs.

2. Cancellation. NASLEMINST 5560.9A

3. Background. References (a) through (c) mandate a vigorous series of measures designed to increase the probability of apprehension of drunk or drugged drivers; to increase scrutiny by Naval Air Station Lemoore's Security force for drunk or drugged drivers on weekends and paydays; and to maximize the use of alcohol breath testing instruments to identify drunk drivers in conjunction with expanded use of random vehicle inspections and check points.

4. Policy. It is Naval Air Station Lemoore's policy to prevent driving while under the influence of alcohol or drugs by detecting, identifying, apprehending, prosecuting, educating, and counseling intoxicated drivers. The goal of the Air Station is to reduce the number of fatalities, injuries, and amount of property damage that result from driving under the influence of alcohol or drugs. The operation of a privately owned motor vehicle on board NAS Lemoore is a conditional privilege extended by the Commanding Officer under applicable federal laws and as delineated by reference (c). Reference (a) makes revocation of base driving privileges for one year mandatory when any person is found guilty of driving while intoxicated or under the influence of any narcotic or drug by civil court, courts-martial, Article

15 of the Uniform Code of Military Justice (UCMJ), or by NAS Lemoore administrative procedures.

5. Applicability. This instruction sets forth the enforcement procedures to be utilized in detecting and apprehending intoxicated drivers. The Station Judge Advocate shall establish liaison and cooperate with military and civil law enforcement agencies, courts, and activities to carry out the intent of this section. The Station Judge Advocate shall ensure the hearing requirements specified by references (a) and (c) are met and that base procedures conform with Navy policy and all applicable laws and regulations. The Station Judge Advocate shall advise the Commanding Officer on appeals taken.

6. Procedures

a. Security post sentries and patrol personnel shall be vigilant in observing drivers for unusual or erratic driving performance. Vehicle operators demonstrating this behavior shall be stopped and the patrolman will ascertain if the operator appears to be impaired by alcohol or drugs. Procedures to determine if the driver is under the influence of alcohol or drugs will be conducted as follows:

(1) The patrolman will approach the vehicle, ask for an identification card, driver's license, and registration.

(2) The patrolman will conduct a series of field sobriety tests (FSTs) if the he/she suspects the driver is possibly under the influence of an intoxicating substance due to odor, slurred speech, poor coordination, etc.

(3) After conducting the FSTs and determining the driver is not under the influence, the driver will be permitted to proceed on his/her way. If, in the patrolman's opinion, the driver appears under the influence, then he/she will be detained and procedures for obtaining a blood, breath, or urine alcohol content will be employed. If available, a hand-held breath screening device will be utilized by the patrolman.

(4) If the breath screen indicates a blood alcohol content of .05 percent or higher or if the field sobriety tests are failed, the driver will be asked to submit to further chemical tests.

(5) Results from further chemical tests shall determine the following procedures:

(a) Blood alcohol content less than .05 percent, the driver is returned to his vehicle and allowed to continue on his/her way, if 21 years or older. If the military member fails the field sobriety tests but the blood alcohol content is less than .05 percent, a urine sample shall be obtained to determine if drug usage is indicated.

(b) If the percentage is .05 but less than .10 percent, presume for the purposes of operating a motor vehicle the person is impaired. This standard may be considered with other competent evidence (i.e., failed FSTs, erratic driving, slurred speech, strong smell of alcohol) in determining whether the person was under the influence of alcohol. The driver may be cited to Traffic Court. The driver will not be allowed to operate his/her vehicle for a minimum of four hours.

(c) Blood alcohol content of .10 percent or higher, the case shall be handled as a driving under the influence offense.

(6) Individuals under 21 years of age driving under the influence of any amount of alcohol will be barred from driving on base for one year. Civilians will be promptly turned over to civil authority.

## 7. Random Vehicle Inspections

a. Random vehicle inspections and random vehicle check points will be conducted per references (d) and (e) to detect and prevent intoxicated persons from operating motor vehicles.

(1) The Commanding Officer will select and publish by memorandum to the Security Detachment the times and places for random vehicle inspections.

(2) At the commencement of each inspection period, the first vehicle subject to inspection approaching the inspection zone will be directed to pull over for inspection. Upon completion of the inspection, the very next vehicle subject to inspection will be directed to pull over for inspection. This procedure will continue until the termination of the inspection period.

b. If the vehicle is operated by military personnel, his/her consent to the inspection will be solicited. If the person refuses, he/she shall be reminded that failure to consent to the inspection will result in barment of the vehicle from the Air Station. He/she shall also be informed, if necessary, that the

inspection is mandatory under orders from the Commanding Officer and that to resist is unlawful and may result in prosecution under Article 92 of the UCMJ and driving while intoxicated.

c. If the vehicle is operated by a civilian, his/her consent shall be solicited and he/she shall be reminded that failure to consent to the inspection will result in removal of any permit or decal and action taken to bar him/her from the Air Station. If the civilian continues to refuse consent, the person will be denied the right to enter the Air Station. If the civilian appears to be under the influence of alcohol and/or drugs, he/she will be requested to perform a series of Field Sobriety Tests. Should he/she fail to participate, or not complete these tests in a satisfactory manner, California Highway Patrol (CHP) shall be contacted, and upon their arrival, the civilian shall be turned over to CHP for arrest and processing. In no case will an intoxicated person be allowed to drive a vehicle. The Human Resources Office Director shall advise and assist the Commanding Officer, Station Judge Advocate, and Traffic Court in cases involving civilian employees to ensure compliance with all applicable laws and regulations.

d. In all cases where a refusal to submit to the inspection occurs, a complete report of the incident shall be forwarded to the Commanding Officer via the Security Officer.

e. If, during the course of an inspection, stolen government property, contraband, illegal narcotics, or evidence of a crime is discovered, the inspecting personnel will ensure compliance with the appropriate portions of the UCMJ, the Manual for Courts-Martial, or California law as applicable.

f. Drug dogs may be used to assist in inspections, however procedures as outlined in reference (f) must be followed.

g. The Air Station Traffic Court shall receive information, cause further inquiry as is necessary, conduct hearings, issue orders, and take action as required, warranted, and appropriate as specifically provided for by reference (c).

h. Appeals to orders and actions directed by the Traffic Court shall be submitted in writing to the Commanding Officer via the Traffic Court and Station Judge Advocate.

8. The random vehicle inspections shall be held so as to minimize any inconvenience to the occupants of the vehicles being

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inspected. The inspector shall remain courteous at all times and shall make a special effort during the inspection to avoid confrontation or misunderstanding.

/s/

G. C. WOOLDRIDGE

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